

# EXHIBIT 1-11

*Redacted Pursuant to ECF 453*



Message

**From:** Raedy, Brendan [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=RAEDY, BRENDAN19D]  
**Sent:** 3/7/2017 6:49:07 PM  
**To:** Pineiro, Marlen [/O=IRMMAIL/OU=MBX Servers - MIA/cn=Recipients/cn=mpineiro]; Murphy, Matthew B [/O=IRMMAIL/OU=MBX Servers - SEA/cn=Recipients/cn=MBMurphy]; Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]; Birdsong, Denise M [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=dmbirdso]; Day, Dana [/O=IRMMAIL/OU=MBX Servers - BAL/cn=Recipients/cn=dday]; Bernacke, Michael V [/O=IRMMAIL/OU=MBX Servers - PHO/cn=Recipients/cn=mvbernac]  
**CC:** Rodriguez, Sarah [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=srodrig1]  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq  
**Attachments:** transcript.doc

Sorry Marlen, we only got ~40 minutes notice and did not get the call-in info until the last 5 minutes or so of the call. We did not expect recalcitrant countries to come up. I just got the transcript a few minutes ago, but saw references to it in the press, and we received a few inquiries that led me to ask around. I've attached the full transcript.

Apologies for not giving you a heads up sooner.

Thank you,

**Brendan Raedy**  
 Public Affairs Officer/Spokesperson  
 U.S. Immigration and Customs Enforcement (ICE)  
 202-732-4234 (desk)  
 202-641-8396 (cell)

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**From:** Pineiro, Marlen  
**Sent:** Tuesday, March 07, 2017 1:46 PM  
**To:** Raedy, Brendan; Murphy, Matthew B; Schultz, John A; Birdsong, Denise M; Day, Dana; Bernacke, Michael V  
**Cc:** Rodriguez, Sarah  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq

I was not on call, nor did I get a read out or even know about it

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**From:** Raedy, Brendan  
**Sent:** Tuesday, March 7, 2017 1:41 PM  
**To:** Murphy, Matthew B; Pineiro, Marlen; Schultz, John A; Birdsong, Denise M; Day, Dana; Bernacke, Michael V  
**Cc:** Rodriguez, Sarah  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq

Minus the collective for a moment – We need to flag this for DHS.

Were you all on the interagency (DHS/DOS/DOJ) DHS led call for the press yesterday regarding the latest/revised EO? I just got my hands on the transcript. From that call, per a “Senior DHS Official”:

1) “There are key differences though in this executive order that we should be aware of at the very beginning just so everyone's on the same page. First, the original executive order covered seven countries, Iraq, Iran, Somalia, Sudan, Yemen, Libya, and I think, I said seven, sorry. Iraq is no longer one of those countries as has been widely reported on. . Iraq is no longer one of those countries because we have received firm commitments from the government of Iraq over the last several weeks since the first executive order was issued



about increased cooperation with the United States in terms of information sharing and other related activity... So Iraq is treated differently under this executive order.”

2) “Iraq has agreed to the timely return in repatriation of its nationals who are subject to final orders of removal... In addition, they have either, they either refuse to cooperate with the repatriation, the timely repatriation of the nationals or they delay doing so to the extent that we are stuck with their nationals in the United States if it causes significant causes or in some cases where there's no functioning government whatsoever... And even if the United States finds someone who is a terrorist from one of these countries inside the United States or at the time they apply for admission to the United States, it is much, much more difficult to remove them back to their home country... And because of Supreme Court case law that I'm sure most of you all are very familiar with, the *Zadvydas* decision back in 2001 I believe, we can only detain people for so long in most instances, six months, is the presumptive reasonable detention period over the supreme court's decision... But information sharing that are travel documents and the agreement to repatriate their nationals in a timely fashion are major provisions that are going to be extremely beneficial to the American, to the United States government. “

As I mentioned above, this information was provided to the press and to some extent has already been reported on: <http://www.wfdd.org/story/trump-signs-new-order-blocking-arrivals-6-majority-muslim-countries>

In light of the statements above, I'm wondering if we should possibly add a line along the lines of “While Iraq is still considered a recalcitrant country, we have received firm commitments from the government of Iraq regarding information sharing and the timely return of its nationals” - **would you all consider this a fair description of where we are with Iraq?**

Thank you,  
Brendan

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**From:** Murphy, Matthew B  
**Sent:** Tuesday, March 07, 2017 1:30 PM  
**To:** Raedy, Brendan; #ICE OPA ERO Issue Paper  
**Cc:** Pineiro, Marlen; Schultz, John A; Birdsong, Denise M; Day, Dana  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq

Cleared by ERO. Removals has reviewed and concurs with the response.

**Matthew Murphy**  
HQ / Enforcement & Removal Operations  
Desk: (202) 732-5112 Cell: (208) 573-0001

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**From:** Raedy, Brendan  
**Sent:** Tuesday, March 07, 2017 11:32 AM  
**To:** #ICE OPA ERO Issue Paper



**Cc:** Pineiro, Marlen; Schultz, John A; Birdsong, Denise M; Day, Dana

**Subject:** OPA Issue - Recalcitrant Countries - Iraq

**ISSUE:** Stephen Dinan from the *Washington Times* wrote seeking to confirm Iraq is still considered a recalcitrant country, and asking what measures ICE is asking/Iraq has promised to take in order to be deemed cooperative.

**DEADLINE:** 4pm EST Today

**INTERNAL BACKGROUND:** The previously cleared language below is based on Deputy Director Ragsdale's July 2016 Congressional Testimony, which mentions 23 recalcitrant countries, including specific mention of Iraq. ICE confirmed late last month that the most recent list of recalcitrant countries includes 20 countries, including the recent removal of [REDACTED] from the list.

**RESPONSE** (On background, from an ICE official):

DP

Thank you,

**Brendan Raedy**

Public Affairs Officer/Spokesperson

U.S. Immigration and Customs Enforcement (ICE)

202-732-4234 (desk)

202-641-8396 (cell)